

MINUTES

South Carolina Real Estate Commission

Wednesday, March 19, 2014, 10:00am

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

Tony Cox, Chairman, called the regular scheduled meeting of the South Carolina Real Estate Commission to order at 10:00 a.m. Board members participating in this meeting included:

Tony Cox – Chair, 7th Congressional District
David C. Lockwood, III, 2nd Congressional District
Candace Pratt – 1st Congressional District
Carl Edwards – 3rd Congressional District
Manning Biggers – 5th Congressional District
Buccie Harley – 6th Congressional District
Johnathan Stackhouse – Public Member
G. Hamlin O’Kelley – Public Member
Wayne Poplin – At-Large Member

Staff members participating during the meeting included Rod Atkinson, Administrator; Wanda Cooke, Administrative Assistant; Georgia Lewis and Dara Coleman, Office of Advice Counsel; Sharon Wolfe, Office of Investigations and Enforcement; Lauren Kearney and Princess Hodges, Office of General Counsel.

Public Notice:

Chairman Cox announced that public notice of this meeting was properly posted at the S.C. Real Estate Commission Office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance:

The Pledge of Allegiance was led by Chairman Cox.

Excused Absences:

David Crigler – 4th Congressional District

MOTION:

Ms. Pratt made a motion to excuse Mr. Crigler. Mr. Edwards seconded the motion, which carried unanimously.

Approval of Agenda:

MOTION:

Mr. Lockwood made a motion to approve the agenda, after rearranging the order of the Hearings, and moving Executive Session to just after Approval of Agenda. Mr. Edwards seconded the motion, which carried unanimously.

MOTION:

Mr. Poplin made a motion to enter Executive Session. Mr. O’Kelley seconded the motion, which carried unanimously.

MOTION:

Ms. Pratt made a motion to enter Open Session. Mr. Harley seconded the motion, which carried unanimously.

Approval of the Meeting Minutes: February 19, 2014 and March 7, 2014 (amended)

CORRECTION was made to the March 7, 2014 minutes, to reflect that on line 92, Ms. Pratt seconded the motion to enter Open Session. No other revisions were made.

MOTION:

Mr. Harley made a motion to approve the minutes of the February 19, 2014 meeting, and the *amended* minutes of the March 7, 2014 meeting. Mr. Poplin seconded the motion, which carried unanimously.

Chairman’s Remarks:

Tony Cox

Administrator’s Remarks:

Roderick Atkinson

1. **Licensure Update** as of March 11, 2014

• Broker	5204
• Broker In Charge	7390
• Property Manager	1294
• Property Manager In Charge	1113
• Salesman	17164
• Salesman (Provisional)	1491
TOTAL ACTIVE	33,646

• Inactive Broker	1723
• Inactive Property Manager	524
• Inactive Salesman	5351
TOTAL INACTIVE	7598

**TOTAL CURRENT LICENSES
AS OF 3/11/14 41,244**

It was noted that the overall number of licenses are down by approximately 500 from last month. This is mostly due to the number of licenses that were lapsed because of failure to renew.

2. Investigations and Enforcement

Sharon Wolfe, Office of Investigations and Enforcement presented the Commission with an overview of the open and closed cases from January 1, 2014 – March 11, 2014, as well as the same time period from the previous year.

3. **Budget** update for February 2014 was reviewed.

4. **IRC Report** - The Commission reviewed the IRC report from March 10, 2014.

MOTION:

Mr. Biggers made the motion to approve the IRC report from March 10, 2014. Mr. Lockwood seconded the motion, which carried unanimously.

5. **Microfilm Conversion Estimate** - Mr. Atkinson presented the Commission with a proposal from Palmetto Microfilm Systems, Inc. to preserve old records that are currently being stored on microfilm. These records are deteriorating and will soon be unreadable, if they are not preserved. The estimated cost is \$83,629 or a cost of \$1.60 per fiche. Discussion ensued.

MOTION:

Mr. Harley made a motion to accept the proposal from Palmetto Microfilm Systems, Inc. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

6. **ARELLO mid-year Conference** - The ARELLO mid-year Conference will be held from April 9-12, 2014, in San Diego, CA. The Commission discussed which members of the Commission and staff, would like to attend. Discussion ensued.

MOTION:

Mr. Poplin made a motion to approve four (4) Commission members, and two (2) staff members to attend the ARELLO mid-year Conference. Ms. Pratt seconded the motion, which carried unanimously.

7. **Statements of Economic Interest** - Mr. Atkinson reminded the Commission that their Statements of Economic Interest by March 30, 2014, to avoid penalties.

DISCIPLINARY HEARINGS

George Leweke

The Commission held a Disciplinary Hearing regarding Mr. George Leweke. Mr. Leweke was properly notified of the Hearing, however, he did not appear before the Commission and waived his right to legal counsel. Lauren Kearney, Office of General Counsel, represented the State and presented the case. Discussion ensued.

MOTION:

Mr. Poplin made a motion to enter Executive Session. Mr. O'Kelley seconded the motion, which carried unanimously.

MOTION:

Ms. Pratt made a motion to enter Open Session. Mr. Edwards seconded the motion, which carried unanimously.

MOTION:

Mr. O'Kelley made a motion to impose a Public Reprimand and a \$1000 fine for each of the ten (10) violations, and revocation of the Respondent's license. Mr. Poplin seconded the motion, which carried unanimously.

(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)

Carl T. Cirinelli, Jr.

Ms. Princess Hodges, Office of General Counsel, read a Consent Agreement signed by the Respondent. Mr. Cirinelli was not present and by signing this Consent Agreement, waives his right to a Hearing. Mr. Cirinelli consented to violations of S.C. Code Ann. §§40-57-135(A) (6), 40-57-135 (B) (1) and 40-57-135 (B) (7). Mr. Cirinelli will receive a Public Reprimand; his license will be placed on probation for a period of one year, effective on the date of the signing of this Agreement. He will be required to retain the services of a Certified Public Accountant, approved by the Commission within thirty (30) days of hire, to reconcile Respondent's financial records and maintain his trust account records on a monthly basis for a period of six (6) months. The Respondent must provide quarterly written reports to the Commission for a period of six (6) months. The Respondent will be required to complete a Commission approved, Trust Account course, and provide documentation of completion, within six (6) months from the date of this Agreement. Respondent shall pay a civil penalty of \$1500 within six (6) months of the effective date of this Agreement.

MOTION:

Mr. Harley made a motion to approve the Consent Agreement as presented by Counsel. Ms. Pratt seconded the motion, which carried unanimously.

(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)

Sally Sale Grooms

The Commission held a Disciplinary Hearing regarding Ms. Sally Sale Grooms. Ms. Grooms appeared before the Commission and waived her right to legal counsel. Princess Hodges, Office of General Counsel, presented the Commission with a Memorandum of Agreement, signed by Ms. Grooms, and discussion ensued.

MOTION:

Mr. Edwards made a motion to enter Executive Session. Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

Ms. Pratt made a motion to enter Open Session. Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

Mr. O'Kelley made a motion that Ms. Grooms be fined \$200 per violation, for a total of \$1400, to be paid within six (6) months. The Respondent shall receive a Public Reprimand and be required to complete a Commission approved Ethics and Contracts class, and provide documentation of completion, within six (6) months from the date of this Agreement. Respondent's license will be placed on probation for a period of one year. Mr. Edwards seconded the motion, which carried unanimously.

(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)

LUNCH RECESS

Christopher Bryant

The Commission held a Disciplinary Hearing regarding Mr. Christopher Bryant. Mr. Bryant was properly notified of the Hearing, however he did not appear before the Commission and waived his right to legal counsel. Lauren Kearney, Office of General Counsel, represented the State and presented the case. Discussion ensued.

MOTION:

Ms. Pratt made a motion to enter Executive Session. Mr. Lockwood seconded the motion, which carried unanimously.

MOTION:

Mr. Biggers made a motion to enter Open Session. Mr. Harley seconded the motion, which carried unanimously.

MOTION:

Mr. Lockwood made a motion that the Respondent be found in violation of S.C. Code Ann. §§40-57-145 (A)(1) and S.C. Code Ann. §§40-57-145 (A)(4); receive a Public Reprimand and pay a fine of \$1000 per violation, within six (6) months of the date of this Order; and license revocation. Mr. Edwards seconded the motion, which carried unanimously.

(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)

Unfinished Business

Holly Beeson, Director's Office, addressed the Commission briefly regarding the Agency's role with regards to amendments that the Commission wants to make to the Practice Act, and the process for obtaining a sponsor for proposed legislation. She also gave an update on the proposed fee adjustments.

Adjournment

The meeting adjourned at 2:20 p.m.

The next meeting of the Commission will be held on April 19, 2014.